

IT IS ORDERED as set forth below:



Date: December 14, 2016

Susan D. Barrett

Susan D. Barrett
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
Southern District of Georgia**

In re:

DESIREE TEDRA RIVERA

Debtor(s)

Case No.: **16-11044**

Judge: **Susan D. Barrett**

Chapter: **13**

**ORDER ON MOTION FOR RELIEF FROM STAY
(Official Local Form B-55 / Revised October 2013)**

MOVANT: CONREX PROPERTY MANAGEMENT, LLC

SUBJECT PROPERTY: 3035 MIRANDA ROAD, AUGUSTA, GA 30906

After notice and a hearing the Motion is ordered:

- ☐ Granted ☐ The Trustee will discontinue distribution on the movant's claim and reduce movant's claim to the amount paid if no amended claim is filed within _____ days of this order.
- ☐ The Trustee shall reduce movant's claim relating to this collateral to the amount paid. Movant is granted leave to seek allowance of a deficiency claim, if appropriate.

☐ Continued to _____ at _____ ☐ am ☐ pm

103

☐ Continued. The Motion will not be reassigned until a minimum of seven (7) days after Movant files and serves a Request for Assignment of Continued Hearing. That request shall not be filed until discovery is complete, including, if applicable, providing a post-petition payment history to opposing counsel.

☐ Denied.

☒ Denied on the condition that.

☐ The Debtor shall make timely post-petition payments to Movant as required by the Chapter 13 plan.

☐ The Debtor shall tender payments to Movant or take other action as follows:

Post-petition arrearage is 1850⁰⁰ through the Dec 2016 payment due date, plus attorney's fees of 400 and court costs of 176⁰⁰ for a total arrearage of 2426⁰⁰.

☒ Debtor shall pay to Movant the sum of: 1850⁰⁰ on or before 6/1/17 which sum shall be applied to the above-referenced total arrearage. (925 + 925) Nov + Dec 2016

☐ Debtor shall cure the foregoing arrearage in full by making additional monthly payments to the Movant in the sum of _____ per month beginning _____ and continuing on the _____ day of each successive month thereafter, with a final additional payment of _____ being due on or before _____.

☒ Debtor shall recommence making regular monthly ^{rent} payments to Movant, as same come due under the applicable loan documents, including ~~any insurance premiums which may come due thereunder~~, (subject to adjustment if provided in the contract) beginning July 1, 2017, and maintain current monthly payments thereunder for the pendency of this case. All payments must include the last four digits of the account number _____ and shall be sent to the following address, depending on the type of payment:

Conkey Property Mgmt LLC

925⁰⁰ plus late fees

STRICT COMPLIANCE IS ORDERED as follows:

☒ That in the event the debtor fails to comply with the terms of this order, the movant, through its attorney of record, may file an affidavit establishing the default, served upon the debtor and debtor's attorney. Upon the expiration of fourteen (14) days without the filing of a counter-affidavit by the debtor disputing the fact of default, an order will be entered lifting the automatic stay, ~~converting the case to a Chapter 7 or dismissing the case without further motion, notice or hearing.~~

☐ If relief is granted under this Order, Movant and Trustee shall thereafter be relieved from complying with Fed. R. Bank. P. 3002.1 in the instant bankruptcy case prospectively from the date the relief is granted.


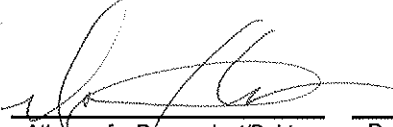
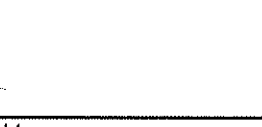
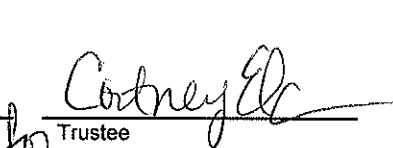
☐ The strict compliance provision of this Order shall expire on _____.

☒ Other provisions:

See Ex "A"
all 11/15 - post - Nov + Dec 2016
925
1850 - pl of heavy
Mount all owed Administration claim of 3521⁰⁰ (2545⁰⁰ pre petition
cost plus 576⁰⁰ fees costs, payable at 300⁰⁰ to Mount from Trustee.

NOTE TO COUNSEL: THE COURT REQUIRES ANY FORM MODIFICATIONS AND/OR NONCONFORMING TERMS TO BE PLACED IN THE "OTHER PROVISIONS" SECTION ABOVE, OR ON A SEPARATE PAGE.

[END OF DOCUMENT]

			
Attorney for Movant	Attorney for Respondent/Debtor	Debtor	Trustee
Mark L. Wilhelmi	Matthew D. Smith	Desiree Rivera	
Name (print)	Name (print)	Name (print)	Name (print)
759049	143397		Cortney R. Elam
GA Bar No.:	GA Bar No.:		GA. Bar No. 143688

Order prepared and submitted by:

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UNITED STATE BANKRUPTCY COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION


In RE: DESIREE TEDRA RIVERA

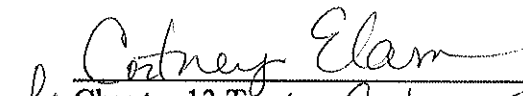

Case No. 16-11044

EXHIBIT A

- ☐ The fourteen (14) day stay provision of rule 4001(a)(3) is waived.
- ☐ Movant (Creditor) and Debtor agree to stipulate that Movant's claim will be disallowed in its entirety (claims _____ and _____) and the Chapter 13 Trustee is directed to stop and cease payments of said claims(s). Movant, thereafter, is permitted to file a deficiency claim upon liquidation of the above-described collateral, subject to Debtor's and Trustee's right to object to the amount of and/or the status of such later-filed claim, and the fourteen (14) day stay provision of Rule 4001(a)(3) is waived.
- ☒ Debtor shall make timely payments to the Chapter 13 Trustee in the amount of \$ 510⁰⁰, beginning immediately.
- ☐ Debtor shall maintain adequate physical damage insurance on the above collateral at all times naming Movant as "loss payee" under the policy.
- ☒ Debtor and Debtor's Counsel shall be given a 10 day written Right-to-Cure Notice of Default prior to filing an affidavit of default with the Court.
- ☐ In the event of the granting of the relief from Stay by this Court, Movant (Creditor) and Debtor agree to and stipulate that Movant's claim will be disallowed in its entirety (claims _____ and _____) and the Chapter 13 Trustee is directed to stop and cease payments of said claim(s). Movant, thereafter, is permitted to file deficiency claim upon liquidation of the above-described collateral, subject to Debtor's and Trustee's right to object to the amount of and/or the status of such later-filed claim.

Prepared by:


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for Chapter 13 Trustee Courtney Elam

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